

REMARKS

Claims 1-29 are pending in the Application and are now presented for examination.

Claims 11, 3, 6-10, 13, 19, 21, 25-26 and 28-29 have been amended. No new matter has been added.

Replacement drawing sheets are included herewith to address the objections raised in paragraphs 3 and 4 of the office action. Specifically, reference designator 10 has been added to FIG. 1 and reference designators 32 and 74 have been added to FIG. 2. Reference designators 38 and 126 have been removed from the specification to correspond to the drawing figures.

The specification has been amended to address the objections raised by the Examiner and to correspond to the drawing figures. Specifically, new paragraphs, indicated by page and line number above, are intended to replace the original paragraphs. No new matter has been added.

Claims 1, 13 and 19 are independent.

On page 5 of the Office Action, Claims 3, 6-10, 21, 25-26 and 29 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims have been amended to address the Examiner's concerns. Applicant therefore requests that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

On page 6 of the Office Action, Claims 13-18 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully disagree with this rejection. Claim 1 recites, in part: "***A system comprising: a global repository; an interface to a plurality of sources; and an interface to an external interface***"

(emphasis added). The Office Action incorrectly states that Claim 13 “fails to fall within a statutory category of invention.”

Independent Claim 13 recites a *system* that includes a global repository, with interfaces to other sources and an external interface. The global repository is configured to model network element commands, events, and data from a plurality of sources in a common representation. The global repository is also configured to *translate* data represented in a first modeling language to data represented in a second modeling language for storing the data [Page 2, lines 22 through Page 3, lines 8]. Thus, the global repository is a device for storing data, and for transforming data from one state to another. MPEP Section 2106 specifically states that if a claim provides for “a transformation or reduction of an article to a different state or thing . . . USPTO personnel shall end the inquiry and find that the claim meets the statutory requirement of 35 U.S.C. 101.” Thus, the system of Claim 13 is clearly directed to statutory subject matter, contrary to the Examiner’s statement.

Accordingly, independent Claim 13 is indeed directed toward statutory subject matter in compliance with 35 U.S.C. §101, and the rejection should be withdrawn with respect to Claims 13-18.

On page 7 of the Office Action, Claims 1-2, 5-7, 9, 11-14, 17-20, 23-26 and 28-29 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Published Application No. 2003/0046370 to Courtney (Courtney). The factual determination of anticipation under 35 U.S.C. § 102 requires the *identical* disclosure of *each* element of a claimed invention in a single reference. This burden has not been met.

Independent Claim 1 recites a method that includes the feature of “automatically generating code to support an external management interface based on the stored data in the global repository.” Independent Claims 9 and 13 also recite this feature. Courtney does not disclose or even suggest this feature.

Courtney relates to a system for modeling the configuration of network devices using converters and schema storage devices in combination with a DOM generator. Page 6 of the Office Action cites paragraph [0040] of Courtney in an attempt to support the existence of this feature in the cited reference. Courtney states that “the XML-CLI converter 200 allows the system administrator 175 to interface with CLI-based network devices using a standard XML-based command format instead of a CLI-based command format.” (Courtney, paragraph [0040]). Therefore, Courtney merely allows a network administrator to interface with network devices of one format (e.g. CLI-based network devices) using a different command format (e.g. an XML-based command format).

In contrast, the claimed invention requires not only “translating data represented in a first modeling language to data represented in a second modeling language, and “storing the data in the second modeling language . . .” but also “automatically generating code to support an external management interface based on the stored data (*i.e., in the second modeling language*)”, a feature completely lacking in Courtney. The automatically generated software supports the development of network element infrastructures, something Courtney does not disclose.

For at least the reasons discussed above, Applicants respectfully assert that independent Claims 1, 13 and 19 are patentable over Courtney. Claims 2, 5-7, 9, 11-12, 14, 17-18, 20, 23-26 and 28-29 are each dependent either directly or indirectly from one or another of independent

Claims 1, 13 and 19, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

On page 10 of the Office Action, Claims 3, 15 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Courtney.

Claims 3, 15 and 21 depend either directly or indirectly from one or another of independent Claims 1, 13 and 19, each of which include the feature of “automatically generating code to support an external management interface based on the stored data in the global repository”, a feature which, as discussed above, is lacking in Courtney. In addition, Claims 3, 15 and 21 recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. These claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

On page 12 of the Office Action, Claims 4, 8, 10, 16, 22 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Courtney in view of Applicant Acknowledged Prior Art Techniques.

Claims 4, 8, 10, 16, 22 and 27 depend either directly or indirectly from one or another of independent Claims 1, 13 and 19, each of which include the feature of “automatically generating code to support an external management interface based on the stored data in the global repository”, a feature which, as discussed above, is lacking in Courtney. In addition, these

claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. These claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

For all of the above reasons, the claim objections are believed to have been overcome, placing Claims 1-29 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Date: April 17, 2008

Respectfully submitted,
By: /Alan M. Weisberg/
Alan M. Weisberg
Reg. No.: 43,982
Attorney for Applicant(s)
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No. 31292
Tel: (954) 828-1488
Fax: (954) 828-9122
email: ptomail@cwiplaw.com